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(Agent for Komir, Inc.)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

Case No. 19-30088 (DM)

PG&E CORPORATION,

Chapter 11

- and -

(Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,

**STATUS CONFERENCE STATEMENT
OF KOMIR, INC.,**

Debtors.

HEARING SCHEDULED:

G Affects PG&E Corporation
G Affects Pacific Gas and Electric Company
O Affects both Debtors

Date: January 24, 2024
Time: 10:00 AM
Via Video/Teleconference
www.canb.uscourts.gov/calendars

Claimant Komir, Inc., submits the following status conference statement as set by the Court concerning litigation procedures for determination of issues remaining for trial.

I. INTRODUCTION

The Court having granted Motion for Summary Adjudication No. 1 determining that PG&E's recorded easements have been extinguished, and having denied both PG&E's Counter-Motion to summarily establish prescriptive rights and Claimant's Motion for Summary Adjudication No. 2 to summarily determine the lack of any prescriptive rights, the matter now proceeds to the evidentiary

1 phase concerning the lowering of the Transmission Lines and the consequences thereof.

2 Since the hearing of Summary Adjudication Motion #2, Claimant has continued its
3 investigation of the location and height of the Transmission Lines particularly with respect to the
4 statements contained in the Declaration of John Raines and the exhibits thereto ("Raines
5 Declaration").

6 Though an unlicensed engineer, Mr. Raines, by his own method, compared the height of
7 lines in 2022 with heights in 2012 without disclosing, or utilizing data relating to, PG&E's increase
8 in line height in 2014. Mr. Raines also states that the lines were the same in 2018 as in 2012 that is
9 incorrect and misleading.

10 By the discovery proposed below, Claimant will examine PG&E's declarants and related
11 witnesses, review the records referenced in or otherwise relevant to the statements in their
12 Declarations, and demonstrate the actual alterations effectuated by PG&E in 2018 and the errors in
13 the Raines' analysis.

14 **II. MEET AND CONFER**

15 Counsel have agreed to an extension of the date for completing discovery and to a method for
16 noticing depositions.

17 Counsel generally agree to schedule depositions in a manner that reasonably accommodates
18 the witnesses and the parties while completing that discovery expeditiously to allow a trial date as
19 soon as practically possible.

20 The depositions to be conducted are identified below in Claimant's proposed schedule.

21 The determination of a trial date will require discussion with the Court regarding calendar
22 availability.

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1 **III. PROPOSED SCHEDULE OF DEPOSITIONS TO BE CONDUCTED WITH**
2 **DOCUMENT PRODUCTION.**

3 Claimant proposes depositions as follows subject to adjustment for availability:

4 March 26, 2024: Mark Galicia

5 March 28, 2024: Michael Sosinski

6 April 2, 2024: John Raines

7 April 4, 2024: Michelle Patton

8 April 9, 2024: John Mateo

9 April 12, 2024: Amir Shahmirza

10 with documents as identified in the notices of taking deposition to be delivered no later than thirty
11 (30) days prior to the initially scheduled deposition dates.

12 Related third party depositions and document procurement with schedule to be determined by
13 the parties:

- 14 1. Deposition of Bernard Cortes regarding publications to the public concerning line
15 height during periods relevant to the Raines Declaration.
 - 16 2. Deposition of Frank Salguero regarding publications to the public concerning line
17 height during periods relevant to the Raines Declaration.
 - 18 3. Deposition of John J. Petree, Construction Manager (referred to also as “Jason”)
19 regarding statements in contradiction to Raines Declaration but consistent with
20 information omitted from Raines Declaration.
 - 21 4. Deposition of other Persons Most Qualified to testify on behalf of PG&E per Rule
22 30(b)(6) concerning the subject matter of the Raines, Sosinski and Galicia
23 Declarations.
 - 24 5. Records deposition of California Public Utilities Commission concerning the subject
25 matter of the Raines, Sosinski and Galicia Declarations.
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1 **IV. MEDIATION**

2 The parties are agreeable to participating in a mediation but have not been successful in
3 making mutually agreeable arrangements.

4 PG&E has advocated utilizing a mediator of its selection, that mediator has lengthy lead
5 times and is now not available until April, 2024, and thereafter and PG&E also advises that it does
6 not want to participate in mediation until completion of discovery. Claimant has also proposed a
7 mediator who has handled other PG&E matters and who is also available in and after April, 2024.

8 **VI. TRIAL**

9 Claimant requests that the dates for trial and pre-trial briefing be set so that trial occurs no
10 later than June, 2024.

11 Respectfully submitted.

12 Dated: January 22, 2024

COHEN AND JACOBSON, LLP

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14 By: /s/ Lawrence A. Jacobson
15 Lawrence A. Jacobson
16 Attorneys for Claimant and Respondent
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